

Subject: RE: Bungie v. AimJunkies - Bungie's Revised Trial Exhibit List
From: "Rava, William C. (Perkins Coie)" <WRava@perkinscoie.com>
Date: 11/27/23, 11:35 AM
To: Phil Mann <phil@mannlawgroup.com>, "Dini, Jacob (Perkins Coie)" <JDini@perkinscoie.com>
CC: "Marcelo, Christian W. (Perkins Coie)" <CMarcelo@perkinscoie.com>, "Marino, Trisha (Perkins Coie)" <TMarino@perkinscoie.com>

Phil,

Bungie intends to introduce testimony regarding Defendants' profits in support of Bungie's damages; Defendants' profits will be the only claimed damages at trial. Bungie will also present evidence regarding the fact of damages resulting from cheats and the presence of cheaters in *Destiny 2*. If that's unclear, we can discuss.

Are you free at 4:15 this afternoon to talk through the exhibit lists and objections?

Best,

Will

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From: Phil Mann <phil@mannlawgroup.com>
Sent: Sunday, November 26, 2023 10:31 AM
To: Dini, Jacob (SEA) <JDini@perkinscoie.com>
Cc: Rava, William C. (SEA) <WRava@perkinscoie.com>; Marcelo, Christian W. (SEA) <CMarcelo@perkinscoie.com>; Marino, Trisha (SEA) <TMarino@perkinscoie.com>
Subject: Re: Bungie v. AimJunkies - Bungie's Revised Trial Exhibit List

Hello Jake,

In order to accommodate your request, please formally confirm that, with the withdrawal of Mr. Buckmiller and Mr. Hodgson as witnesses, Bungie WILL NOT be claiming at trial that its actual damages include a devaluation to its business or expenses for pursuing "cheaters" etc. In other words, please confirm that Bungie's claimed damages at trial will be ONLY for Phoenix Digital's profits.

With such confirmation, Defendants will be able to remove some exhibits from their exhibit list.

If this request is unclear, or if you have any questions, please let me know.

Thanks,

Phil

On 11/22/23 1:40 PM, Dini, Jacob (Perkins Coie) wrote:

Phil,

Per the Court's instructions to remove unnecessary exhibits and to stipulate to the admissibility of as many exhibits as possible, and to provide an updated exhibit list to be submitted to the Court by Wednesday, November 29 at noon PT, we have attached the revised exhibit list from Bungie. For ease of reference, we both have preserved the original exhibit numbers (Column B) and renumbered them to be continuous (Column A). The exhibits that Plaintiff has removed from its original list are listed after row 79. We will remove Column B and all rows after 79 in the version ultimately submitted to the Court next Wednesday.

We'll also review Defendants' exhibit list again to see if we can stipulate to additional exhibits; **please do the same for Plaintiff's exhibit list.**

On Monday, we'll send an updated set of electronic exhibits renumbered according to Column A. **Can you send us an electronic set of Defendants' trial exhibits by Monday as well so we're sure we're working off the same set for the binder we send to the Court?**

Bungie is also preparing demonstratives that it intends to use at trial. **Can we agree to exchange proposed demonstratives by Thursday, November 30?** Others may be added as we progress of course, but hopefully this cuts down disputes during trial.

Finally, let's plan to confer regarding objections to exhibits early next week. How about Monday afternoon or Tuesday morning?

Best,

Jacob Dini | Perkins Coie LLP
ASSOCIATE

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